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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/034,012

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Benjamin J. Parker

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EXAMINER

SHINGLES, KRISTIE D

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/034,012	PARKER ET AL.	
	Examiner	Art Unit	
	Kristie Shingles	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12,14,15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-12,14,15 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

*Applicant has not amended any claims.
Claims 1, 3-12, 14, 15 and 17 are pending.*

Response to Arguments

1. Applicant's arguments filed 5/19/2005 have been fully considered but they are not persuasive.

a. Applicant argues that the prior art of record, *Xu et al* (US Publication 2002/0122416) used in the 35 U.S.C 102(e) rejection of claims 1, 3-12, 14, 15 and 17 is improper. *Xu et al*, is a continuation-in-part of earlier related applications: *Liu et al* (US Publication 2002/0114319)—hereafter referred to as *Liu et al* '319, *Liu et al* (US Publication 2002/0141384)—hereafter referred to as *Liu et al* '384 and *Xu et al* (US Publication 2002/0114322)—hereafter referred to as *Xu et al* '322. Applicant, in substance, argues that the relied upon portions of *Xu et al*: Figures 2b, 5a and 5b and paragraphs 0062-0065, 0069, 0070 and 0072; are not supported by any of the earlier related applications. Examiner respectfully disagrees.

b. It is the Examiner's position that these portions of *Xu et al* (Figures 2b, 5a and 5b and paragraphs 0062-0065, 0069, 0070 and 0072) are primarily drawn to detecting whether a NAT firewall exists between the called user and the calling user and the internetwork and transmitting address information based on that detection. *Liu et al* '384 teach the detection and

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determination of whether a NAT firewall exists between the called user and the calling user and the internetwork and then transmitting address information of the caller or the callee based on that determination (Figures 4 and 5 and paragraphs 0059-0071). Although, *Liu et al* '384 fails to explicitly state the global address element, it is well known that global addresses are, by virtue, an inherent feature used in the implementation of a NAT system. *Xu et al* '322 also supports the prior art of record with the establishment of Internet telephone conversation between a client on a private network located behind a NAT firewall a client with a public IP address on the Internet (paragraphs 0013-0014). *Xu et al* '322 also provisions detection of a NAT firewall between the users and the network (paragraphs 0015-0018, 0021-0022, 0024, 0041 and 0098). Likewise *Liu et al* '319, also supports the cited portions of the prior art of record in paragraphs 0008-0009. Therefore, pertaining to the argued portions of the *Xu et al* reference, *Liu et al* '319, *Liu et al* '384 and *Xu et al* '322 support the prior art of record, in this respect. The rejection is therefore proper and sustained.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 1, 3-12, 14-15, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by to *Xu et al* (US Publication 2002/0122416).

Regarding claims 1, 12, and 15, *Xu et al* teach a method, central server, and server software for connecting at least two users to exchange network packets via an internetwork, each user being addressable within said internetwork at a respective global address, and wherein some users of said internetwork are connected to said internetwork via a respective network address translation (NAT) firewall (fig.1 and 2b and page 3, section 0036), said method comprising the steps of: maintaining in a central server coupled to said internetwork a database of registered users, said database including respective global addresses corresponding to said registered users (abstract and page 2, section 0014); receiving a call request from a calling user to establish a connection to exchange network packets with a called user, at least said called user being a registered user (page 2, section 0015 and page 5, section 0053); detecting whether a respective NAT firewall is in place between said called user and said internetwork; and if a respective NAT firewall is not in place between said called user and said internetwork, then: transmitting said called user's respective global address to said calling user; and said calling user establishing a network session for said connection with said called user by transmitting to said called user's respective global address (page 6, section 0069-0070 and 0072); and if a respective NAT firewall is in place between said called user and said internetwork, then: detecting whether a respective NAT firewall is in place between said calling user and said internetwork; and if a respective NAT firewall is not in place between said calling user and said internetwork, then: transmitting said calling user's respective global address to said called user; and said called user establishing

a network session for said connection with said calling user by transmitting to said calling user's respective global address (page 2, section 0016-0017 and page 5, section 0055-0058).

Regarding claims 3, 14, and 17, *Xu et al* teach the method of claim 1, 12, and 15 further comprising the steps of: if a respective NAT firewall is in place both between said called user and said internetwork and between said calling user and said internetwork, then relaying through said central server all packets exchanged between said calling user and said called user during said connection (page 2, section 0016-0017 and page 4, section 0046 and page 5, section 0047).

Regarding claim 4, *Xu et al* teach the method of claims 1 further comprising the step of: receiving respective activation messages from each of said registered users at times when they become available for connecting to other users (page 6, section 0062).

Referring to claim 5, *Xu et al* teach the method of claim 4 wherein a presence of a NAT firewall is detected after receiving said respective activation messages, and wherein said database stores data indicating whether said respective NAT firewall is detected for each respective active user or not (page 6, section 0062-0064).

Regarding claim 6, *Xu et al* teach the method of claim 5 wherein said central server transmits periodic messages to each respective active user for which a NAT firewall is detected in order to maintain an open network session (page 4, section 0045 and page 6, section 0067-0068).

Referring to claim 7, *Xu et al* teach the method of claim 1 wherein said central server transmits periodic messages to each respective active user in order to maintain an open network session with each respective active user (page 4, section 0045 and page 6, section 0067-0068).

Regarding claim 8, *Xu et al* teach the method of claim 1 wherein said respective NAT firewalls translate between a respective global address of a respective user and a respective local equipment address of said respective user, wherein each of user, and wherein said firewall detecting step is comprised of comparing said respective global address and said respective local equipment address, a NAT firewall being detected when said respective global address and said respective local equipment address do not match (page 2, section 0014-0016 and page 6, section 0064).

Referring to claim 9, *Xu et al* teach the method of claim 1 wherein said respective global addresses each include an IP address and port number (page 1, section 0011 and page 6, section 0068).

Regarding claim 10, *Xu et al* teach the method of claim 1 wherein said database further includes a respective telephone number associated with each registered user, and wherein said call request identifies said called user by a respective telephone number (page 4, section 0044).

Referring to claim 11, *Xu et al* teach the method of claim 10 wherein a telephone call is established over a public switched telephone network between said calling user and said called user simultaneously with said connection for exchanging network packets (page 1, section 0003 and 0005).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to configuring computer network communications in response to detected firewalls in general: *Liu*

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et al., *Fallentine et al.*, *Ju et al.*, *Xu et al.*, *Sollee*, *Buchbinder et al.*, *Read*, *Piche et al.*, *Thomas et al.*, *Bommareddy et al.*, and *Falck et al.*

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER